

Trademark/Service Mark Application, Principal Register

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Document Description: Trademark Application

Mail / Create Date: 01-Apr-2004

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PTO Form 1478 (Rev 4/00)

OMB Control #0651-0009 (Exp. 06/30/2005)

**Trademark/Service Mark Application, Principal Register**

Serial Number: 78394985

Filing Date: 04/01/2004

The table below presents the data as entered.

Input Field	Entered
<b>MARK SECTION</b>	
MARK	ERIE CITY BOILER WORKS
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	ERIE CITY BOILER WORKS
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>OWNER SECTION</b>	
NAME	Victory Energy Operations, L.L.C.
STREET	P.O. Box 638, 302 E. 5th Ave., Unit "D"
CITY	Owasso
STATE	OK
ZIP/POSTAL CODE	74055
COUNTRY	USA
AUTHORIZED EMAIL COMMUNICATION	No
<b>LEGAL ENTITY SECTION</b>	
TYPE	LIMITED LIABILITY COMPANY
STATE/COUNTRY UNDER WHICH ORGANIZED	Delaware

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PLAINTIFF'S  
EXHIBIT**P-7**

04-CV-325

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Trademark/Service Mark Application, Principal Register

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<b>GOODS AND/OR SERVICES SECTION</b>	
INTERNATIONAL CLASS	011
DESCRIPTION	Fuel delivery units for steam boilers; steam generators; water treatment units for filtration, dealkination and demineralization; and parts for the aforesaid goods, namely, fuel inlets and fuel racks, industrial fans, burners, stack economizers, fuel gas recirculation and water treatment units, deaerators and heat pumps
FILING BASIS	Section 1(b)
<b>SIGNATURE SECTION</b>	
SIGNATORY FILE	\\tictis\EXPORT1\IMAGEOUT 11\783\949\78394985\xml1\ APP0003.JPG
SIGNATORY NAME	John C. Viskup, Jr.
SIGNATORY POSITION	President
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	335
TOTAL AMOUNT	335
<b>ATTORNEY</b>	
NAME	Joseph D. Fincher
FIRM NAME	Hall Estill Hardwick Gable Golden & Nelson, P.C.
STREET	320 South Boston Ave., Suite 400
CITY	Tulsa
STATE	OK
ZIP/POSTAL CODE	74103-3708
COUNTRY	USA
PHONE	(918) 594-0428
FAX	(918) 594-0505
EMAIL	jfincher@hallestill.com
AUTHORIZED EMAIL COMMUNICATION	Yes

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Trademark/Service Mark Application, Principal Register

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<b>CORRESPONDENCE SECTION</b>	
NAME	Joseph D. Fincher
FIRM NAME	Hall Estill Hardwick Gable Golden & Nelson, P.C.
STREET	320 South Boston Ave., Suite 400
CITY	Tulsa
STATE	OK
ZIP/POSTAL CODE	74103-3708
COUNTRY	USA
PHONE	(918) 594-0428
FAX	(918) 594-0505
EMAIL	jfincher@hallestill.com
AUTHORIZED EMAIL COMMUNICATION	Yes
<b>FILING INFORMATION</b>	
SUBMIT DATE	Thu Apr 01 17:33:07 EST 2004
TEAS STAMP	USPTO/BAS-20819167253-200 40401173307978488-7839498 5-200cc7781a52b91a859cfb0 3e82ba89ab-CC-335-2004040 1172837551796

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PTO Form 1478 (Rev 4/98)  
OMB Control #0651-0009 (Exp. 06/30/2005)

**Trademark/Service Mark Application, Principal Register**

**Serial Number: 78394985**

**Filing Date: 04/01/2004**

**To the Commissioner for Trademarks:**

**MARK:** (Standard Characters, see mark)

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The literal element of the mark consists of ERIE CITY BOILER WORKS.

The applicant, Victory Energy Operations, L.L.C., a limited liability company organized under the laws of Delaware, residing at P.O. Box 638, 302 E. 5th Ave., Unit "D", Owasso, OK, USA, 74055, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

**Intent to Use:** The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 011: Fuel delivery units for steam boilers; steam generators; water treatment units for filtration, dealkination and demineralization; and parts for the aforesaid goods, namely, fuel inlets and fuel racks, industrial fans, burners, stack economizers, fuel gas recirculation and water treatment units, deaerators and heat pumps

The applicant hereby appoints Joseph D. Fincher of Hall Estill Hardwick Gable Golden & Nelson, P.C. 320 South Boston Ave., Suite 400, Tulsa, OK, USA, 74103-3708 to submit this application on behalf of the applicant.

The USPTO is authorized to communicate with the applicant or its representative at the following email address: jfincher@hallestill.com.

A fee payment in the amount of \$335 will be submitted with the application, representing payment for 1 class(es).

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to

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use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature:

Signatory's Name: John C. Viskup, Jr.

Signatory's Position: President

Signatory's Signature: Signature

Mailing Address:

Joseph D. Fincher

320 South Boston Ave., Suite 400

Tulsa, OK 74103-3708

RAM Sale Number: 335

RAM Accounting Date: 04/02/2004

Serial Number: 78394985

Internet Transmission Date: Thu Apr 01 17:33:07 EST 2004

TEAS Stamp: USPTO/BAS-20819167253-200404011733079784

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- Send questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).
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Page 1 of 1

# ERIE CITY BOILER WORKS

Page 1 of 1

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**APPLICANT NA  
MARK: (standard**

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Drawing Page

Page 1 of 1

Drawing Page

Date/Time Stamp: 04/01/2004

Serial Number:78394985



Mark (USPTO-generated image for standard characters):

**ERIE CITY BOILER  
WORKS**

file: 20040401173307978488-78394985

2004/04/01

IKE 09761

**000109**



Document Description: drawing		
Mail / Create Date: 01-Apr-2004		
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<h1>ERIE CITY BOILER WORKS</h1>		

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X Search

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Document Description: XSearch Search Summary						
Mail / Create Date: 05-Nov-2004						
*** User:HZAK ***						
#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:02	78394985[SN]
02	3	0	3	3	0:07	"victory energy operations"[on]
03	106	55	50	28	0:02	"erie"[bi,ti]
04	7	2	5	4	0:06	*boil*[bi,ti] and *works*[bi,ti]
Session started 11/5/04 11:02:55 AM						
Session finished 11/5/04 11:08:13 AM						
Total search duration 0 minutes 17 seconds						
Session duration 5 minutes 18 seconds						
Default NEAR limit=1 ADJ limit=1						
Sent to TIGRS as Serial Number: 78394985						

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Document Description: <b>Office Action Outgoing</b> Mail / Create Date: <b>05-Nov-2004</b>	
<a href="#">Previous Page</a>	<a href="#">Next Page</a>
You are currently on page <b>1</b> of <b>10</b>	
<b>To:</b>	Victory Energy Operations, L.L.C. ( <a href="mailto:jfincher@hallestill.com">jfincher@hallestill.com</a> )
<b>Subject:</b>	TRADEMARK APPLICATION NO. 78394985 - ERIE CITY BOILER WORKS - N/A
<b>Sent:</b>	11/5/04 11:41:18 AM
<b>Sent As:</b>	ECOM108@USPTO.GOV
<b>Attachments:</b>	<a href="#">Attachment - 1</a> <a href="#">Attachment - 2</a> <a href="#">Attachment - 3</a> <a href="#">Attachment - 4</a> <a href="#">Attachment - 5</a> <a href="#">Attachment - 6</a> <a href="#">Attachment - 7</a> <a href="#">Attachment - 8</a> <a href="#">Attachment - 9</a>
<b>UNITED STATES PATENT AND TRADEMARK OFFICE</b>	
<b>SERIAL NO:</b> 78/394985	
<b>APPLICANT:</b>	Victory Energy Operations, L.L.C.
<b>CORRESPONDENT ADDRESS:</b>	<b>*78394985*</b>
Joseph D. Fincher Hall Estill Hardwick Gable Golden & Nels 320 South Boston Ave., Suite 400 Tulsa, OK 74103-3708	<b>RETURN ADDRESS:</b> Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451
<b>MARK:</b>	ERIE CITY BOILER WORKS
<b>CORRESPONDENT'S REFERENCE/DOCKET NO:</b>	N/A
<b>CORRESPONDENT EMAIL ADDRESS:</b>	Please provide in all correspondence:
<a href="mailto:jfincher@hallestill.com">jfincher@hallestill.com</a>	1. Filing date, serial number, mark and applicant's name. 2. Date of this Office Action. 3. Examining Attorney's name and Law Office number. 4. Your telephone number and e-mail address.
<b>OFFICE ACTION</b>	

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**TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.**

Serial Number 78/394985

Applicant must indicate specifically whether the goods will be manufactured or produced in, or will have any other connection with, the geographic location named in the mark. 37 C.F.R. §2.61(b); TM §1210.03. If the primary significance of a mark is to indicate a geographic location which is neither obscure nor remote and applicant's goods are manufactured or produced in the location indicated, then the public is likely to believe that the geographic term identifies the place from which the goods originate. See *In re Nantucket Allserve, Inc.*, 28 USPQ2d 1144 (TTAB 1993).

Specifically, are the goods manufactured in Erie, Pennsylvania, or the Lake Erie area. Information made of record clearly shows that this geographic area is historically known and continues to be known as a manufacturing center for iron products (see enclosed material).

If the goods originate from this area, registration is refused on the Principal Register on the following basis:

Registration is refused because the mark is primarily geographically descriptive of the origin of applicant's goods and/or services. Trademark Act Section 2(e)(2), 15 U.S.C. §1052(e)(2); TMEP §§1210.01(a) and 1210.04(b).

A three-part test is applied to determine whether a mark is primarily geographically descriptive of the goods and/or services within the meaning of Trademark Act Section 2(e)(2):

- (1) the primary significance of the mark must be geographic, i.e., the mark names a particular geographic place or location;
- (2) purchasers must be likely to make a goods-place or services-place association, i.e., purchasers are likely to think that the goods or services originate in the geographic location identified in the mark; and
- (3) the mark identifies the geographic origin of the goods and/or services.

TMEP §1210.01(a); See *In re MCO Properties, Inc.*, 38 USPQ2d 1154 (TTAB 1995); *In re California Pizza Kitchen*, 10 USPQ2d 1704 (TTAB 1989).

The attached evidence from various websites and geographic gazetteers shows that the primary significance of the term "ERIE" in the mark is the name of a geographic location. Purchasers are likely to believe the goods and/or services will originate in that geographic location because applicant is located there. Thus there is a presumed goods-place association in this case. *In re JT Tobacconists*, 59 USPQ2d 1080 (TTAB 2001); *In re U.S. Cargo, Inc.*, 49 USPQ2d 1702 (TTAB 1998); *In re Carolina Apparel*, 48 USPQ2d 1542 (TTAB 1998); *In re Chalk's International Airlines Inc.*, 21 USPQ2d 1637 (TTAB 1991); *In re California Pizza Kitchen*, 10 USPQ2d 1704 (TTAB 1989); *In re Handler Fenton Westerns, Inc.*, 214 USPQ 848 (TTAB 1982); TMEP §1210.04(b).

The addition of a generic or merely descriptive term to a geographic term does not obviate a determination of geographic descriptiveness. See *In re JT Tobacconists*, 59 USPQ2d 1080 (TTAB 2001); *In re Carolina Apparel*, 48 USPQ2d 1542 (TTAB 1998); *In re Chalk's International Airlines Inc.*, 21 USPQ2d 1637 (TTAB 1991); *In re Wine Society of America Inc.*, 12 USPQ2d 1139 (TTAB 1989); *In re California Pizza Kitchen Inc.*, 10 USPQ2d 1704 (TTAB 1988); *In re Cambridge Digital Systems*, 1 USPQ2d 1659 (TTAB 1986); *In re BankAmerica Corp.*, 231 USPQ 873 (TTAB 1986); *In*

TRADEMARK APPLICATION NO. 78394985 - ERIE CITY BOILER WORKS - N/A Page 3 of 5

*re Application of Handler Fenton Westerns, Inc.* 214 USPQ 848 (TTAB 1982); TMEP §1210.07(a).

The addition of the generic term BOILER WORKS, identifying a manufacturing center for iron based products, does not alter the primary geographic significance of the term.

When the geographic significance of a term is its primary significance and the geographic place is neither obscure nor remote, the goods/place or services/place association will ordinarily be presumed from the fact that the applicant's goods or services originate in the place named in the mark. *In re JT Tobacconists*, 59 USPQ2d 1080 (TTAB 2001) (MINNESOTA CIGAR COMPANY primarily geographically descriptive of cigars); *In re Chalk's International Airlines Inc.*, 21 USPQ2d 1637 (TTAB 1991) (PARADISE ISLAND AIRLINES held primarily geographically descriptive of the transportation of passengers and goods by air); *In re California Pizza Kitchen Inc.*, 10 USPQ2d 1704 (TTAB 1988) (CALIFORNIA PIZZA KITCHEN held primarily geographically descriptive of restaurant services).

The information made of record clearly indicates that the Erie region is well known, both historically and contemporaneously, for iron manufacturing and such manufacturing facilities. Therefore, the primary significance of the term ERIE CITY BOILER WORKS would identify a geographic region noted for iron manufacture.

If the goods do not originate from this locale, registration is refused on the following basis:

Registration is refused because the proposed mark consists of or comprises geographically deceptive and primarily geographically deceptively misdescriptive matter in relation to the identified goods and/or services. 15 U.S.C. §§1052(a) and (e)(3); *In re Les Halles De Paris J.V.*, 334 F.3d 1371, 67 USPQ2d 1539 (Fed. Cir. 2003); *In re California Innovations Inc.*, 329 F.3d 1334, 66 USPQ2d 1853 (Fed. Cir. 2003), *reh'g denied*, 2003 U.S. App. LEXIS 18883 (Fed. Cir. Aug. 20, 2003); *See In re Budge Mfg. Co.*, 857 F.2d 773, 8 USPQ2d 1259 (Fed. Cir. 1988); *In re Perry Mfg. Co.*, 12 USPQ2d 1751 (TTAB 1989).

The primary significance of the term "ERIE CITY" is geographic. The goods and/or services do not originate in this geographic location. The public is likely to believe that applicant's goods and/or services come from this place because such a locale is well known both historically and contemporaneously for iron manufacturing. Furthermore, this belief would materially influence consumers to purchase the goods and/or services because of the quality of the iron work issued from this region. *See In re House of Windsor, Inc.*, 221 USPQ 53 (TTAB 1983), *recon. denied*, 223 USPQ 191 (TTAB 1984).

A mark is geographically deceptive and primarily geographically deceptively misdescriptive if:

- (1) the primary significance of the mark is a generally known geographic location;
- (2) the goods or services for which applicant seeks registration do not originate in the place identified in the mark;
- (3) purchasers would be likely to believe that the goods or services originate in the geographic place named in the mark; and
- (4) the misrepresentation is a material factor in the purchaser's decision to buy the goods or use the services in question.

*In re Les Halles De Paris J.V.*, 334 F.3d 1371, 1373, 67 USPQ2d 1539, 1541 (Fed. Cir. 2003); *In re*

TRADEMARK APPLICATION NO. 78394985 - ERIE CITY BOILER WORKS - N/A Page 4 of 5

*California Innovations Inc.*, 329 F.3d 1334, 1341, 66 USPQ2d 1853, 1859 (Fed. Cir. 2003), *reh'g denied*, 2003 U.S. App. LEXIS 18883 (Fed. Cir. Aug. 20, 2003).

If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informality.

The applicant must disclaim the descriptive wording "BOILER WORKS" apart from the mark as shown. Trademark Act Section 6, 15 U.S.C. §1056; TMEP §§1213 and 1213.03(a). The wording is merely descriptive because it is a generic name for the business of the applicant—manufacture of iron goods.

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

To reach the undersigned attorney by telephone after November 2, 2004, please call (571) 272 - 9354. Thank you.

**NOTICE: TRADEMARK OPERATION RELOCATING OCTOBER AND NOVEMBER 2004**

The Trademark Operation is relocating to Alexandria, Virginia, in October and November 2004. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Applicants, registration owners, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at [www.uspto.gov](http://www.uspto.gov).

Henry S. Zak  
/Henry S. Zak/  
Examining Attorney  
Law Office 108  
(571) 272-9354

**How to respond to this Office Action:**

You may respond formally using the Office's Trademark Electronic Application System (TEAS)

[http://portal.uspto.gov/external/PA\\_1\\_0\\_1ET/OpenServletWindow?serialNumber=783949...](http://portal.uspto.gov/external/PA_1_0_1ET/OpenServletWindow?serialNumber=783949...) 5/18/2005

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Response to Office Action form (visit <http://eteas.uspto.gov/V2.0/oa242/WIZARD.htm> and follow the instructions therein, but you must wait until at least 72 hours after receipt if the office action issued via e-mail). PLEASE NOTE: Responses to Office Actions on applications filed under the Madrid Protocol (Section 66(a)) CANNOT currently be filed via TEAS.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.**

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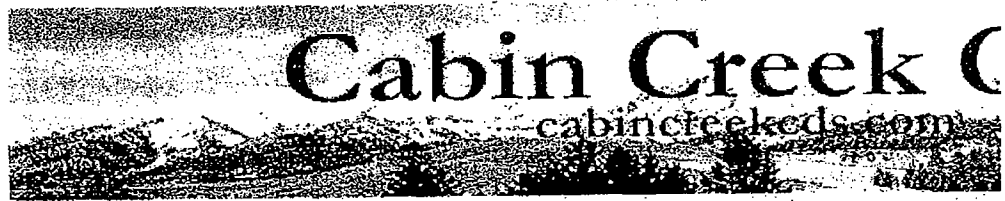
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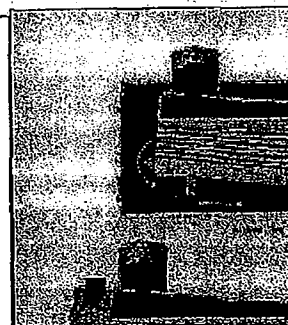
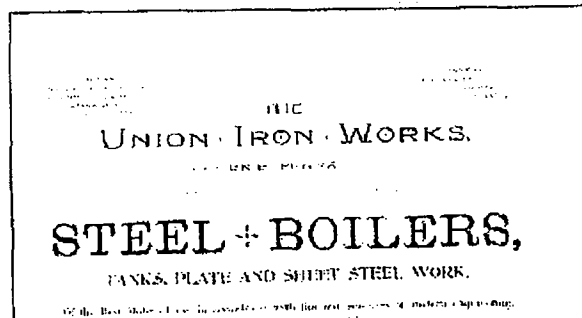
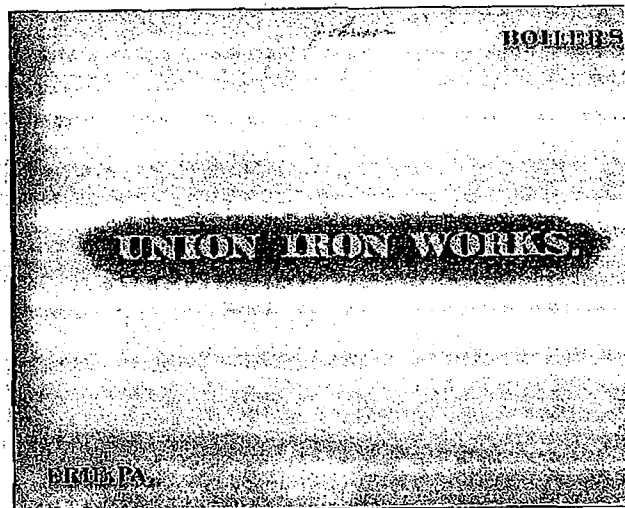
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# Union Iron Works Boilers

*Erie, Pa.*

**JANUARY 1, 1895**



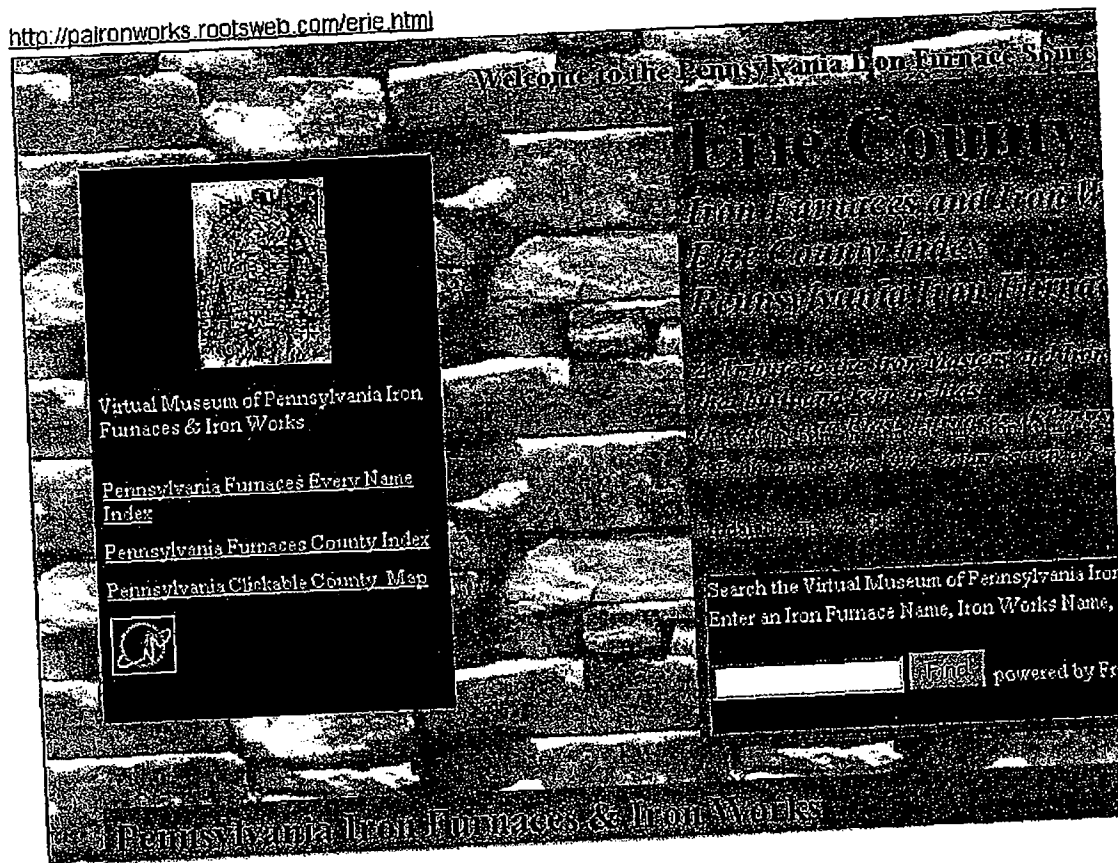
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5/18/2005

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[http://www.keystone-energy.com/company\\_history.htm#erie\\_city\\_iron](http://www.keystone-energy.com/company_history.htm#erie_city_iron)



**Boilers - HRSGs - Stokers - Burners  
Service - Parts**

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Parkway  
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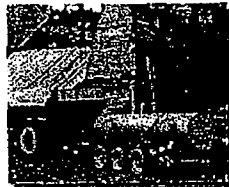
**Fax Number  
814.897.1089**

## Company History

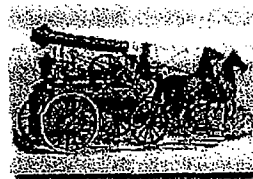
Keystone Energy brings together a focused group of experienced engine maintaining a high level of customer support for the steam generation it can trace its roots to 1840 to where it began production of high quality, designs.

Keystone Energy is the supplier of OEM parts and services for the following steam generator technologies:

- Erie City Iron Works
- Zurn Energy Division
- Aalborg Industries, Inc.
- Erie Power Technologies, Inc.



*1859 Erie City provided the steam generator and engine to drill the world's first oil well in Titusville, Pa. In 1985 a new boiler was duplicated for the Engine House at the Drake Well National Historical Museum.*



*Horse Drawn Boiler*

*Oldest Steam Stamp*

## Corporate Timeline:

### 1840-1887

Original Business: An iron foundry c Foundry

### 1887-1966

When Erie became a city, company Erie City Iron Works

### 1966-1997

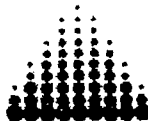
Business was bought by Zurn Indus Zurn Energy Division

### 1997-1998

Zurn Energy Division was bought by Inc. and renamed Aalborg Keystone

**Erie City Iron Works**

**ZURN**



**AALBORG KEYSTONE**

<http://www.metalworld.com/trade/aa008637.html>

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## Industry Directory

### Erie Forge & Steel, Inc.

Erie Forge and Steel became the number one supplier of propulsion shafting for the Navy's vessels. Along with these forged components, EFS maintained a foundry which supplied propellers and shaft struts for these same ships. This facility, however, closed in 1976. Along with naval shafting, EFS has made many large forgings for the steel, mining, plastic and paper industry. Products and Services: ALLOY Oil Country Goods, including Alloy Pipe ALLOY Tool Steel, including Drill Rod CARBON Hot Rolled & Forged, Plain or Galvanized Bar CARBON Semi-Finished, Billets, Skelp.

### Erie Forge & Steel, Inc.

Erie Pennsylvania  
USA

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## Industry Directory

### Erie Concrete & Steel Supply

Products and Services: ALLOY-Hot Rolled Bar and Light Shapes CARBON-Cold Finished Bars CARBON-Expanded Steel CARBON-Grating CARBON-Hollow Structural & Structural Pipe & Tubing CARBON-Hot Rolled & Forged, Plain or Galvanized Bar CARBON-Hot Rolled Sheets, Strip, & Coil CARBON-Mechanical Tubing CARBON-Plates-U.M. & Sheared, Floor Plates & Sheets CARBON-Reinforcing Bar (Non-Fabricated) CARBON-Structurals or Welded Section CARBON-Tool Steel, including Drill Rod ANNEALING BEAM SPLITTING BEVELING BURNING FLAME CUTTER GRINDING HEAT TREAT PLATE BURNING SAW SHEAR.

### Erie Concrete & Steel Supply

Erie Pennsylvania  
USA

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U.S. Census Bureau U.S. Gazetteer

Select one of the following variables to your query to look at the place in the Tiger Map Browser or select 1990 Census table.

You can search the table Type the table number to search for

• Illinois, Erie Township, IL (county subdivisions)
Population (1990) 403
Latitude 42 5349 N, 88 7047 W
Zip Code(s) 62444
Reverse Tiger Map of area
Lookup 1990 Census ST1A, ST2A tables
• Erie, PA (city)
Population (1990) 42718
Latitude 42 1501 N, 80 0859 W
Zip Code(s) 16501 16502 16503 16504 16505 16507 16508 16509 16510 16511
Reverse Tiger Map of area
Lookup 1990 Census ST1A, ST2A tables
• Erie Township, MI (county subdivisions)
Population (1990) 4492
Latitude 41 7711 N, 87 4839 W
Zip Code(s) 48113 48137
Reverse Tiger Map of area
Lookup 1990 Census ST1A, ST2A tables
• Erie, KS (city)
Population (1990) 1214
Latitude 37 3418 N, 95 2437 W
Zip Code(s) 66533
Reverse Tiger Map of area
Lookup 1990 Census ST1A, ST2A tables
• Erie Township, KS (county subdivisions)
Population (1990) 112
Latitude 37 3792 N, 97 7570 W
Zip Code(s) 67013
Reverse Tiger Map of area
Lookup 1990 Census ST1A, ST2A tables
• Erie, IL (county)
Population (1990) 1572
Latitude 41 4847 N, 91 0822 W
Zip Code(s) 61250
Reverse Tiger Map of area
Lookup 1990 Census ST1A, ST2A tables
• Erie Michigan Township, MO (county subdivisions)
Population (1990) 271
Latitude 38 7043 N, 94 7543 W
Zip Code(s) 64847
Reverse Tiger Map of area
Lookup 1990 Census ST1A, ST2A tables
• Erie, CO (city)
Population (1990) 1228
Latitude 40 0235 N, 105 0460 W
Zip Code(s) 81314 80611
Reverse Tiger Map of area
Lookup 1990 Census ST1A, ST2A tables
• Erie, KS (city)
Population (1990) 376
Latitude 41 5457 N, 92 5721 W
Zip Code(s) 66940
Reverse Tiger Map of area
Lookup 1990 Census ST1A, ST2A tables
• Erie Township, KS (county subdivisions)
Population (1990) 1615
Latitude 37 6032 N, 95 3043 W
Zip Code(s) 66711
Reverse Tiger Map of area
Lookup 1990 Census ST1A, ST2A tables
• Erie Township, MO (county subdivisions)
Population (1990) 135
Latitude 41 0719 N, 97 3823 W
Zip Code(s) 64809
Reverse Tiger Map of area
Lookup 1990 Census ST1A, ST2A tables
• Erie Township, OH (county subdivisions)
Population (1990) 431
Latitude 40 7918 N, 81 4813 W
Zip Code(s) 44970 44992
Reverse Tiger Map of area
Lookup 1990 Census ST1A, ST2A tables
• Erie County, OH (county)
Population (1990) 76779
Latitude 41 5172 N, 82 6180 W
Zip Code(s) 43438 43461 44019 44171 44214 44224 44226 44227 44228 44229 44230 44231 44232 44233 44234 44235 44236 44237 44238 44239 44240 44241 44242 44243 44244 44245 44246 44247 44248 44249 44250 44251 44252 44253 44254 44255 44256 44257 44258 44259 44260 44261 44262 44263 44264 44265 44266 44267 44268 44269 44270 44271 44272 44273 44274 44275 44276 44277 44278 44279 44280 44281 44282 44283 44284 44285 44286 44287 44288 44289 44290 44291 44292 44293 44294 44295 44296 44297 44298 44299 44300 44301 44302 44303 44304 44305 44306 44307 44308 44309 44310 44311 44312 44313 44314 44315 44316 44317 44318 44319 44320 44321 44322 44323 44324 44325 44326 44327 44328 44329 44330 44331 44332 44333 44334 44335 44336 44337 44338 44339 44340 44341 44342 44343 44344 44345 44346 44347 44348 44349 44350 44351 44352 44353 44354 44355 44356 44357 44358 44359 44360 44361 44362 44363 44364 44365 44366 44367 44368 44369 44370 44371 44372 44373 44374 44375 44376 44377 44378 44379 44380 44381 44382 44383 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November 5, 2004

**Welcome to Superior Boiler Works**

Superior Boiler Works has been manufacturing Scotch Marine firetube boilers for Hutchinson, Kansas since 1931. Over 15,000 of our boilers have been shipped throughout the world.

We offer 2, 3 and 4-pass horizontal and vertical steam boilers for steam or hot water through 2200 HP (gas, oil, or coal fired). Our boilers are built to meet ASME, UL, and pressure steam or hot water requirements.

The superior performance of our boilers is evidenced by the high number of commendations who have expanded their operations with a demand that is growing every year. With the by architects, engineers and users. Installation, operations and service companies well designed and trouble-free units available and ready to ship.

Superior Boiler Works is also on the leading edge of the latest clean air emission systems that achieve 12 inch NO<sub>x</sub> and SO<sub>2</sub> from 15 to 250 HP.

With over 87,000 square feet of manufacturing space, Superior Boiler Works and design engineering for special applications. Superior Boiler Works, Inc. is a family organization form an unbeatable team ready to provide you with the highest quality.

**Associations & Certifications:**



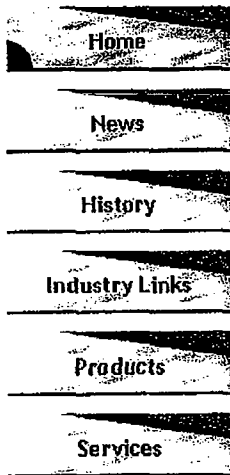
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## McKenna Boiler Works



## McKenna Boile

McKenna Boiler Works has been located at 1510 North Spring Street in  
Our 15,000 sq. ft. building employees over 20 workers that help manu  
cleaning and laundry industry.

McKenna manufactures Scotch Marine boilers from 5 to 65 HP and ver  
also repair, re-tube and sell new and used boilers. More than 18 mode  
in stock.

In addition to the popular boilers, the company takes special orders f  
specifications. As Richard Smith says, "We've got lots of boilers out th  
designs for years... a good boiler that's efficient ... and that is what

.....

### Our Mission

We strive to provide the best products and service for our customers

.....

### Company Profile

.....

### Contact Information

Response to Office Action

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Document Description: **Response to Office Action**  
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## Response to Office Action

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<b>GOODS AND/OR SERVICES SECTION (no change)</b>	
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>MISCELLANEOUS STATEMENT</b>	In response to the Office Action dated November 5, 2004, Applicant requests that this application be withdrawn pursuant to 37 C.F.R. § 2.68. It is respectfully submitted that said withdrawal is not to be construed as an agreement with the Trademark Attorney's grounds for refusal.
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/Joseph D. Fincher/
<b>SIGNATORY NAME</b>	Joseph D. Fincher
<b>SIGNATORY POSITION</b>	Attorney for Applicant
<b>SIGNATORY DATE</b>	05/05/2005
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Thu May 05 17:52:07 EDT 2005
<b>TEAS STAMP</b>	USPTO/OA-20819167253-2005 0505175207234294-78394985 -200f9df3bc6c462a9d3da77f 730488db7c2-N-N-200505051 75002747711

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Response to Office Action

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### Response to Office Action

#### To the Commissioner for Trademarks:

Application serial no. 78394985 is amended as follows:

#### Additional Statements

In response to the Office Action dated November 5, 2004, Applicant requests that this application be withdrawn pursuant to 37 C.F.R. § 2.68. It is respectfully submitted that said withdrawal is not to be construed as an agreement with the Trademark Attorney's grounds for refusal.

#### Response Signature

Signature: /Joseph D. Fincher/ Date: 05/05/2005  
Signatory's Name: Joseph D. Fincher  
Signatory's Position: Attorney for Applicant

Serial Number: 78394985  
Internet Transmission Date: Thu May 05 17:52:07 EDT 2005  
TEAS Stamp: USPTO/OA-20819167253-2005050517520723429  
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